

Remarks

The Examiner rejected claims 1-12 under 35 U.S.C. 112, first paragraph, as containing subject matter that was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant respectfully requests that this rejection be withdrawn. On page 4, lines 3-5, the application states: "According to preferred embodiment, the RFID transponders do not include their own power supply and absorb or store power that is provided by the interrogation antennas". This description of the RFID transponder clearly sets forth that there are "passive transponders". The Specification has now been amended to use the term "passive transponders".

The Examiner rejected claims 1-8, 10 and 11 under 35 U.S.C. 103 (a) as being unpatentable over Moore in view of Zimmerman et al. Applicant respectfully requests that this rejection be withdrawn. It is respectfully submitted that the claims are patentable over the cited art, and are not obvious in view of it for the reasons set forth below.

First, I want to state that Applicant is in complete agreement that Moore shows a system using passive transducers. On the other hand, however, Zimmerman et al. clearly does not show a system using passive transponders, but rather is built to work only with transponder(s) which is internally powered. To combine these two references to render the present invention unpatentable, the Examiner must show that there is some teaching or suggestion for the combining of the two references. There is clearly no teaching suggested in Moore or Zimmerman et al. that either or both systems would, as designed, work interchangeably with passive transponders versus a battery powered transponder. The Zimmerman et al. reference specifically only mentions the use of a battery powered transponder, and is only designed to work with such a transponder.

In short, the two references use entirely different operated transponders/tags, and it cannot be obvious to use a battery operated tag in a passive (batteryless) system. In view of the above, independent claim 1 is believed to be in condition for allowance.

Claims 2-8 and 10-11 depend from claim 1; and accordingly, would also be in condition for allowance.

The Examiner rejected claims 9 and 12 under 35 U.S.C. 103 (a) as being unpatentable over Moore in view of Zimmerman et al., as applied to claim 1 above, and further in view of Bauer et al. It is requested that rejection be withdrawn.


Claim 9 depends from claim 1; and for the reasons set forth above for claim 1, should be in condition for allowance.


For the reasons set forth in claim 1, it would not be obvious to one of ordinary skill in the art to combine Moore and Zimmerman et al. to render the present invention, and specifically claim 12, unpatentable. Moreover, the Bauer et al. reference does not disclose determining a three-dimension location of tags read by RFID reader. Page 10, paragraph 118 of the reference describes a self-test procedure in which tags situated within the shelves can be used to make sure the system is operational. It is describing a diagnostic test to determine operation ability of the system in general and not in any way discloses determining the three-dimensional location of the transponder broadcasting the information. In short, these three references, in combination, do not render claim 12 obvious; and specifically, Bauer et al. does not teach or suggest determining three-dimensional location of tags read by RFID reader.

In view of the above, it is believed the independent claim 12, as now presented, is in condition for allowance.

For the above reasons, reconsideration by the Examiner, allowance of the claims as now presented and passing of the case to issuance are respectfully solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 today.	
 Russell E. Baumann	<u>9/14/05</u> Date


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Amendment to Summary of the Invention in the Specification

Object and advantages of the invention will in part be obvious, and will in part appear hereinafter, and will be accomplished by the present invention which provides methods and apparatus for locating an RFID transponder in space. The invention comprises one or more RFID transponders for broadcasting identification data. A plurality of antenna suitable for receiving the identification data which is broadcast by the transponders are associated with support members such as shelves which are positioned at known vertical locations. There is at least one antenna associated with each of the support members or shelves, and there typically may be two or more such antennas arranged side by side on each such shelf or support member. The support members or shelves support products or packages that include or have one of the RFID transponders attached thereto. According to a preferred embodiment, the RFID transponders do not include their own power supply and absorb or store power that is provided by the interrogation antennas (passive transponders). There is also included control circuitry connected to the plurality of antennas for determining which of the antennas receive the identification broadcast data that is broadcast from one or more of the RFID transponders. The transponders usually have rather short broadcast distances so that only those antenna which are within approximately two or three feet of the transponder will receive the identification data. Of course, depending on the application, transponders with shorter or longer range would be appropriate. The control circuit also determines the location of the RFID transponder as a function of the antennas which receive the information data and as a function of the support members or shelves which are associated with receiving the information data. Also, according to a preferred embodiment, the antennas are preferably flat or loop antennas which lie substantially in the plane of the shelf or surface of the support member.